IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.10071/2007.

Sultan Singh

Vs.

State and ors.

Date of Order:- 7/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri S.K. Gupta for the petitioner.

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Heard learned counsel for the petitioner.

The writ petition has been filed with the prayer that in the peculiar facts of the case and for the grounds raised in this writ petition, this matter is required to be further investigated into by another police officer in view of the involvement of respondent No.2.

Learned counsel for the petitioner argued that this power is available with the court even after challan has been filed and, therefore, filing of challan would not be an impediment for the court to direct further investigation into the matter. Learned counsel

in support of his aforesaid argument, referred to sub-Section (1) of Section 173 Cr.P.C.

In my considered view, kind of prayer that has been made in this petition ought to be made by the petitioner before the concerned court where challan has been filed and/or trial is pending. Petitioner would then have the remedy against any order passed by the court as per the Code of Criminal Procedure, 1973 if eventually his grievances are not remedied.

With this observation, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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